



**Town of Arlington  
Zoning Board of Appeals**

Meeting Minutes  
Tuesday, October 18, 2016  
7:45 PM

Present: Patrick Quinn, Chair, Christian Klein, Vice Chair , Suzanne Spinney, and Joseph Moen  
Also Present: Pamela Heidell and Walter Fey

**1. Docket #3512 429 Mystic Street**

The Petitioner Mary Carey, applied for a Special Permit under Section 6.08 (Large Additions in Residential Districts), of the Zoning Bylaw for the Town of Arlington, seeking permission to construct an addition to a single family dwelling located at 429 Mystic Street. The property is located in an R-1 zoning district and the lot upon which the building is located is 21,401 square feet. Legal notice was provided in the Arlington Advocate for two consecutive weeks, with the petition advertised as a Special Permit under 6.08 of the Zoning Bylaw. A hearing was held at the Arlington Town Hall, Charles Lyons Hearing Room, on September 27, 2016. Petitioner Mary Carey and her daughter (Kathy) and her husband Don Westwater appeared before the Board and described their proposal to add a 947 square foot addition to the basement at the back of their home located at 429 Mystic Street. The petitioners explained to the board that this addition will provide living space for Mary's family to move in, while still preserving the existing living space to help take care of her. The addition is believed to be in harmony with the neighborhood. The Board raised some questions about the details in the elevations on either side of the house and suggested that they be provided with some pictures of the existing home as well as more detailed plans. One board member had some questions regarding if the second floor would constitute as a third floor and if so would the finished space requirement of 49% be fulfilled. There was some question as to if the attic would count towards the requirement. The architect stated that the law reads any area with a ceiling height of 7'3" is considered finished space, and there is no finished space in their attic where the ceiling height is more than 7'2" and he believes that they qualify for the requirement. At the October 18 hearing, the applicant came with revised plans, A.0 Floor plan - Existing & Proposed Basement, A.0 Floor Plans - Existing and Proposed First Floor, A.2 Floor Plans - Existing & Proposed Second Floor, A.3 Roof Plans - Existing & Proposed, A.4 Existing & Proposed East & North Exterior Elevations, as well as some photographs of the exterior of the home. As shown in the picture on page 8 (west side of the home/ street view), the addition will not be visible

from the street as it is in the back of the home and below grade. One board member asked for clarification if the second floor had any area above 7'2" in ceiling height, Don stated there is a small peak on the second floor but the ceiling height never exceeds 7'2". At the close of the hearing the board unanimously approved their request for a special permit.

SO VOTED: 4-0

## **2. Docket #3513 76 Williams Street**

The Petitioners Ellen Lawton and Jonathon Shriber applied for a Variance under Section 6.00 Dimensional and Density Regulations, of the Zoning Bylaw for the Town of Arlington, seeking permission to impinge on the 25ft front yard setback on Nicod Street side. The property is located in an R1– Single Family District on a 4,649 square foot lot. At the September 27 hearing, Petitioners Ellen Lawton & Jonathan Shriber and their architect Doug Sacra, appeared before the Board and described the proposal to impinge on the 25 foot front yard setback to add an entryway addition to their home. The Architect indicated that the lot is pre-existing, non conforming and the small addition will dramatically and significantly enhance the aesthetics of the house. The existing stairs and stoop will be removed, increasing the front yard setback on Williams Street. The Petitioners indicated that the addition will make the home more inviting and utilitarian with the new entry way and will benefit the neighborhood. The Applicant's petition for a Variance cited that the two front yard setbacks as the reason for the variance request. The Board noted the high standard for a variance and the difficulty in satisfying the criteria for a grant of a Variance. The Board indicated that since relief from the Zoning Board was sought, the criteria for the grant of a Special Permit under Section 6.19 of the Bylaw would be more easily satisfied than would the criteria for a Variance. One board member suggested that the addition be made smaller so the feel of the addition is in fact an entry way and not a room. As described at the October 11 hearing the applicant came with revised plans, plot plans and reduced the size of the addition to 6ft exactly on the interior wall and 6ft 6 1/2 in. on the exterior from the existing building, making the addition 12ft from the lot line on Nicod Street. The Architect also stated that they removed a window and the closet to make the addition "just an entryway". September 27 hearing and indicated on the plans the addition will be 95 square feet and extend from the foundation line approximately will include a closet and bench. The existing deck is covered and is four feet wide. As described at the December 8 hearing and as indicated on the plans, the deck would be extended by 4 feet 1 inch, and the extended portion would include a trellis on top, rather than a solid cover. A Board member opined, and others Board members agreed, that the trellis was more a decorative feature than a roof. As a result, the Board felt there was some ambiguity whether the proposed porch design constituted a roofed porch or an unroofed porch, which could be permitted as of right. The Plans submitted indicated that the existing front yard depth is conforming at 25 feet and would become 20.9 feet if the extended porch with the trellis were to be considered an enclosure. The additional four feet depth proposed to be added to the porch/deck causes an intrusion into the front yard at one part of the deck, and the front setback does lengthen to 25 feet in other sections. The existing left side yard width is 10 feet and would become 9.2 feet, the

existing right side yard width is conforming at 10 feet and would remain 10 feet, and the existing rear yard depth is conforming at 18.1 feet and would remain 18.1 feet. The proposed alterations to the deck/porch would not increase the existing gross floor area of the structure. At the close of the hearing the board unanimously approved their request for a special permit.

SO VOTED: 4-0